

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 2025-001578-CA-01

JUDGE: Beatrice Butchko Sanchez (CA22)

GIANCARLO SCHWARZ and
DIANA SCHWARZ, as parents and
natural guardians of G.S., a minor

Plaintiffs,

vs.

CITY OF NORTH MIAMI BEACH
a Political Subdivision of the State of Florida,

Defendant.

MOTION FOR SANCTIONS

Plaintiffs, by and through undersigned counsel hereby move this honorable court for the award of sanctions pursuant to 1.720(f) and as grounds would show the following:

1. The parties coordinated a mediation for October 29, 2025, at 2 p.m.
2. That prior to the mediation the mediator, Kenneth Bush, coordinated the mediation conference with counsel for the Defendant and a prospective representative of the Defendant in order to assure that a representative with settlement authority was present in accordance with the rule pertaining to mediations.
3. That this claim involves a significant injury to a minor child, and accordingly, both of his parents took the day off of work to attend mediation and were present.
4. That the Defendant appeared with counsel only, and no representative nor employee of the Defendant was present.

DAVIS LAW

www.jeffdavislaw.com

5. That initially, prior to the commencement of mediation, the undersigned and mediator attempted to ascertain whether the Defendant would be appearing since no authority was filed prior to the mediation pursuant to the requirements of FRCP 1.720(e); counsel for the Defendant represented that he had "authority" and/or the ability to resolve the claim.
6. After approximately 3 hours of mediation, it was reported that the Defendant did not have access to speak with his client or person with authority and/or communicate sufficiently such that the mediation was incomplete and essentially a waste of time.
7. The court should note that the Defendants have not conducted any discovery, not taken any depositions, not requested nor subpoenaed any documents, and it was clear they were unprepared at time of mediation.
8. That the thwarting of the mediation rules by the Defendant, has essentially resulted in a breakdown of the process, waste of valuable resources, expense and delay.
9. Plaintiff seeks an award of sanctions, reimbursing the cost of mediation, and attorney's fees for the time spent preparing for the same and attending the same, payment of Plaintiff's for lost wages and any further sanctions this court deems necessary.

CERTIFICATE OF CONFERRAL

I HEREBY CERTIFY that, in accordance with Florida Rule of Civil Procedure 1.202(b), the undersigned attempted to confer with counsel for Defendant via email on 11/3/25 about the subject matter of this Motion. However, as of this Motion's filing date, the parties have not been able to confer or agree on a resolution without court intervention.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Mail this November 6, 2025, to GREENSPOON MARDER LLP Ahmand R. Johnson, Esq., ahmand.Plaintiffs@gmlaw.com; joseph.geller@gmlaw.com; Attorneys for Defendant *The City of North Miami Beach*.

JEFFREY R. DAVIS, P.A.
Attorneys for Plaintiff
75 Valencia Avenue, Suite 100
Coral Gables, FL 33134
Tel: 305/577-3777
Fax: 305/854-2603
jeff@jeffdavislaw.com – Personal
pleadings@jeffdavislaw.com - Service

By: /s/ Jeffrey R. Davis
Jeffrey R. Davis
Florida Bar No. 599956